

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

STATE OF MISSISSIPPI; STATE OF
ALABAMA; STATE OF ARKANSAS;
COMMONWEALTH OF
KENTUCKY; STATE OF
LOUISIANA; STATE OF MISSOURI;
and STATE OF MONTANA,

Plaintiffs,

v.

XAVIER BECERRA, in his official
capacity as Secretary of Health and
Human Services; THE UNITED
STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
CHIQUITA BROOKS-LASURE, in her
official capacity as Administrator of the
Centers for Medicare and Medicaid
Services; THE CENTERS FOR
MEDICARE AND MEDICAID
SERVICES; THE UNITED STATES
OF AMERICA,

Defendants.

Case No. 1:22-cv-113-HSO-RPM

**Plaintiffs' Motion for Summary
Judgment**

Oral Hearing Requested

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56, Plaintiffs—the States of Mississippi, Alabama, Arkansas, Louisiana, Missouri, and Montana and the Commonwealth of Kentucky—move for summary judgment on the sole claim of the amended complaint that the Anti-Racism Rule is unlawful and ultra vires. *See* Doc. 28. ¶¶57-65. Plaintiffs' motion is premised on the points and authorities set forth in their accompanying Memorandum of Law in Support of Plaintiffs' Motion for Summary

Judgment, filed simultaneously with this motion. Accordingly, Plaintiffs request an order granting Plaintiffs' motion for summary judgment and entry of judgment granting Plaintiffs all relief requested in the amended complaint. *See* Doc. 28 at 18.

Dated: June 9, 2023

Respectfully submitted,

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*pro hac vice

**pro hac vice pending

***pro hac vice forthcoming

CERTIFICATE OF SERVICE

I e-filed this opposition with the Court, which will email everyone requiring service.

Dated: June 9, 2023

s/ Cameron T. Norris